

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Greg Swords)	
)	Art Unit: 3738
Serial No. 10/517,843)	
)	
Filed: July 12, 2005)	Examiner: Suba Ganesan
)	
For: Craniofacial Implant)	Attorney Docket No.: 37370/339252

**DECLARATION OF GREG SWORDS
REGARDING COMMERCIAL SUCCESS OF TITAN IMPLANT**

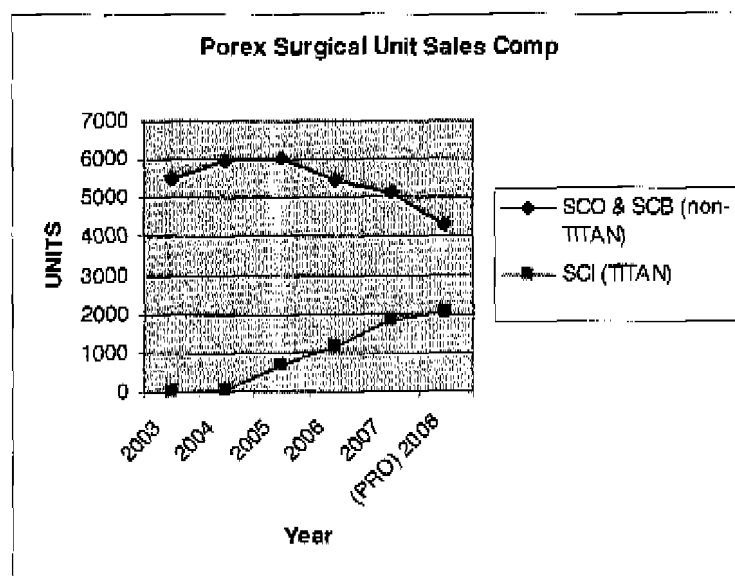
1. My name is Greg Swords. I am over the age of 21, and I am competent to make this declaration based upon my personal knowledge.
2. I am the named inventor of the above-referenced patent application. I am also presently Vice President of Market Applications and Development at Porex Surgical, Inc., the assignee of the above-referenced patent application.
3. Porex Surgical, Inc. is currently manufacturing and selling a product called the TITAN™ Implant, which is covered by the claims of the above-referenced patent application and described at the following website:

http://www.porex surgical.com/english/surgical/sprod titan_sheets.asp
4. As background, porous polyethylene implants for orbital reconstruction *without* a surgical grade metal mesh contained therein have been marketed and sold by Porex and other companies. Metal mesh alone (not contained within porous polyethylene) has also been sold by other companies as an option for bone reconstruction.

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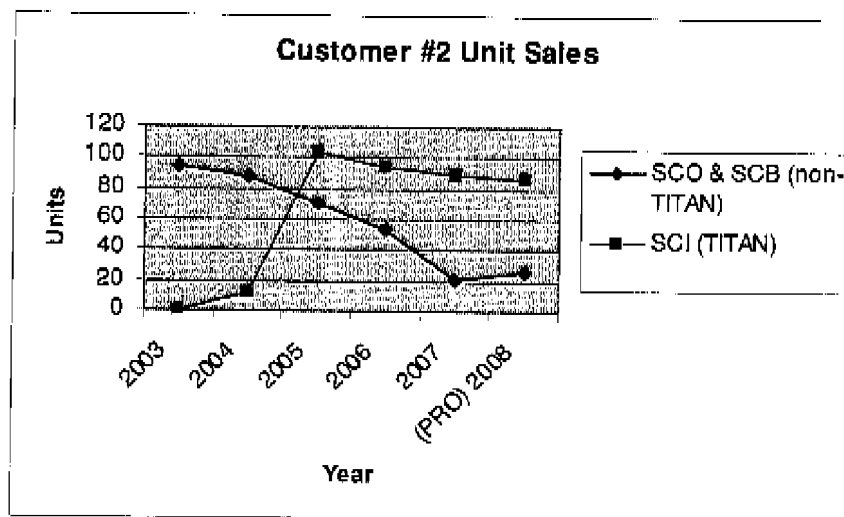
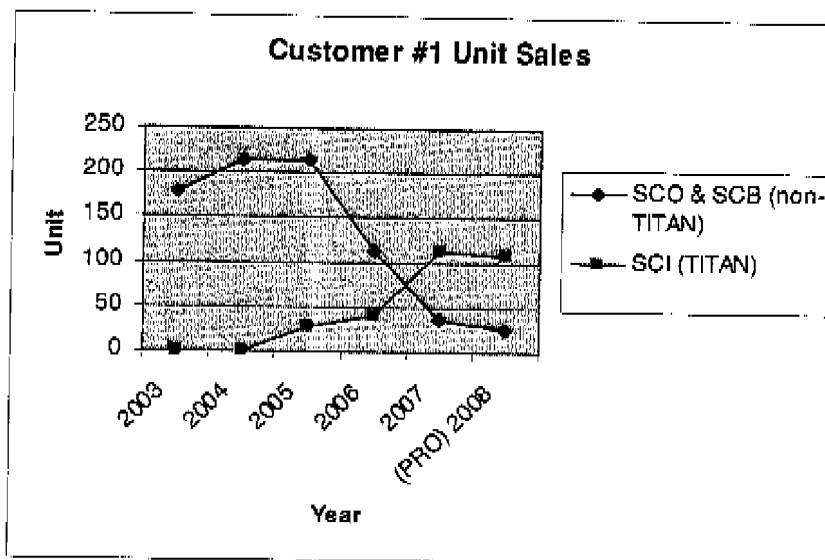
5. When Porex introduced the TITAN™ Implant, which includes a polyethylene matrix having a surgical grade metal mesh embedded therein, sales of the TITAN™ implants steadily increased when compared to the sales of implants without an embedded metal mesh. In fact, as shown below, sales of the implants without a metal mesh declined.

6. The below charts show unit sales of TITAN™ implants vs. Porex's implants without a metal mesh. The first chart reflects total unit sales for Porex as a whole, and illustrates that sales of the TITAN™ implants increased, while sales of non-TITAN™ implants decreased.

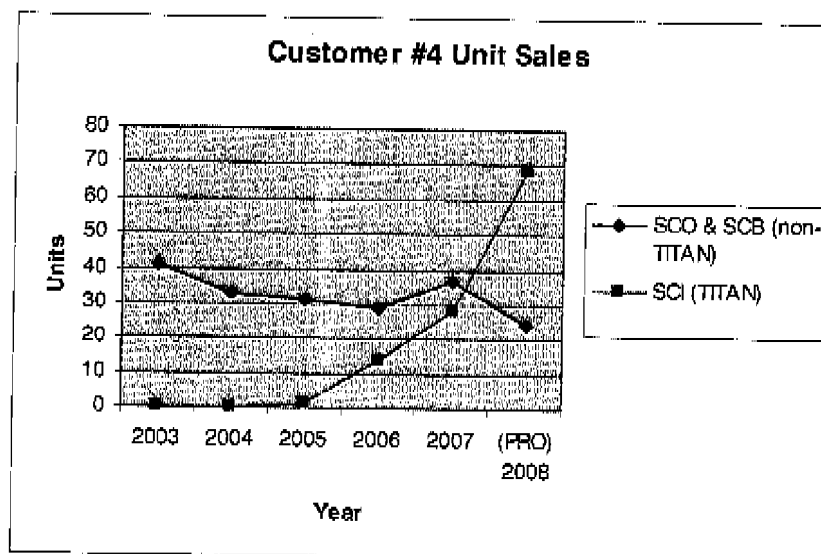
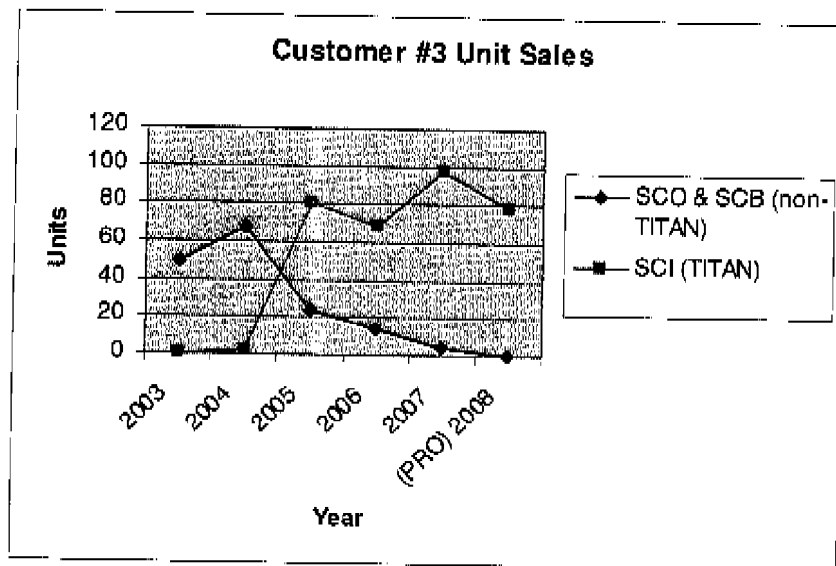


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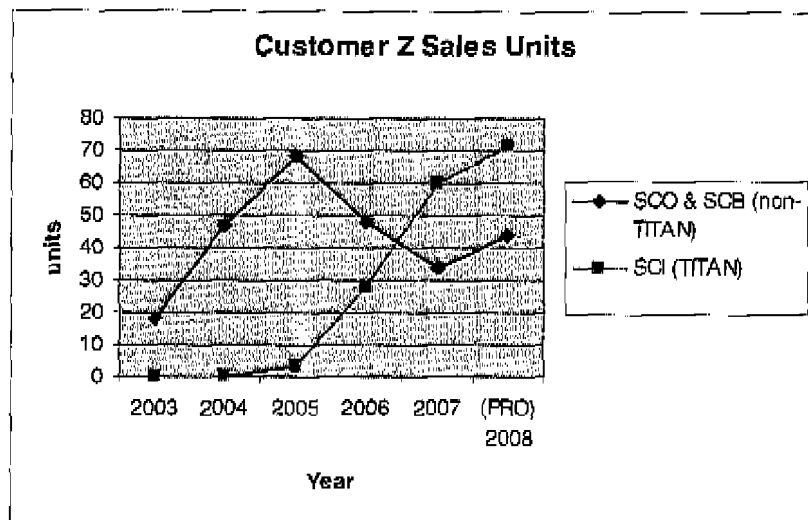
The following charts reflect unit sales to some of Porex's top TITAN™ customers.



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7. These charts do not reflect *revenues* generated, but *units* sold. This is relevant because the TITAN™ implants are more expensive than Porex's implants without a metal mesh. Nonetheless, more TITAN™ units are steadily being purchased and fewer implants without metal mesh are being purchased.

8. Since the introduction of the TITAN™ Implant, Porex has captured a number of completely new customers. Additionally, many customers who previously purchased the implants without the metal mesh have switched to the TITAN™ implants, particularly for their more complex cases.

9. Upon its introduction, Porex did not advertise its TITAN™ implants any differently from the way Porex advertised its earlier implants. The same methods of promotion were used and similar expenditures were made to advertise both types of implant. The press and recognition that the TITAN™ implants have received by the medical community is solely due to its features, which are described and claimed in the above-referenced patent application.


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10. The articles attached at Tab A to this declaration describe the success that surgeons are having with the TITAN™ implant. These articles describe the beneficial features of the implant itself, and not other economic or commercial factors unrelated to the technical quality of the claimed subject matter.

11. The surgeon's declarations attached at Tab B also attest to the technical qualities of the implants, and not other economic or commercial factors unrelated to the technical quality of the claimed subject matter. These declarations evidence that surgeons are demanding the TITAN™ implant because of its specific features.

12. As the person signing below, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code.

Dated: 8-22-08


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